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16 Antonio Lopez, Johanna Lopez, & S.L. by and through his guardian ad litem
Rocio Flores

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANTONIO LOPEZ, individually;
JOHANNA LOPEZ, individually;
M.R., by and through his guardian ad
litem, April Rodriguez, individually
and as successor in interest to
Brandon Lopez; B.L. and J.L., by and
through their guardian ad litem
Rachel Perez, individually and as
successors in interest to Brandon
Lopez; S.L., by and through his
guardian ad litem, Rocio Flores,
individually and as successor in
interest to Brandon Lopez,

Plaintiff,
vs.

Case No.: 8:22-cv-01351-JVS-ADS

(Honorable James V. Selna; Magistrate Judge Autumn D. Spaeth)

**PLAINTIFFS' STATEMENT OF
EVIDENTIARY OBJECTIONS IN
SUPPORT OF THEIR OPPOSITION
TO DEFENDANTS' MOTION FOR
SUMMARY JUDGEMENT**

(Filed concurrently with Plaintiffs' Opposition to Defendants' Motion for Summary Judgement; Plaintiffs Statement

Case No. CU0000079

**PLAINTIFFS' OBJECTIONS TO EVIDENCE IN SUPPORT OF PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE SUMMARY
ADJUDICATION**

1 CITY OF ANAHEIM, a municipal
2 corporation; CITY OF SANTA
3 ANA, a municipal corporation;
4 DAVID VALENTIN, individually
5 and in his official capacity as the
6 Chief of Police for the CITY OF
7 SANTA ANA Police Department;
8 JORGE CISNEROS, individually
9 and in his official capacity as the
10 Chief of Police for the CITY OF
11 ANAHEIM Police Department;
12 PAUL DELGADO, individually and
13 in his official capacity as an officer
14 for the CITY OF ANAHEIM Police
15 Department; BRETT HEITMAN;
16 KENNETH WEBER, individually
17 and in his official capacity as an
18 officer for the CITY OF ANAHEIM
19 Police Department; BRETT
20 HEITMAN; CAITLIN PANOV,
21 individually and in her official
22 capacity as an officer for the CITY
23 OF ANAHEIM Police Department;
24 BRETT HEITMAN, individually and
25 in his official capacity as an officer
26 for the CITY OF ANAHEIM Police
27 Department; BRETT HEITMAN;
DOES 1-10, individually and in their
official capacity as law enforcement
officers for the CITY OF ANAHEIM
Police Department and CITY OF
SANTA ANA Police Department,,

Defendants.

of Additional Material Facts; Plaintiffs' Statement of Genuine Disputes of Material Fact; Declaration of Lena P. Andrews and attached Exhibits)

Date: August 12, 2024

Time: 1:30 p.m.

Crtrm.: 10C

FPTC Date: September 9, 2024

Trial Date: September 17, 2024

1	Defendants' Evidence	Grounds for Objection
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	1 Exh. 1, Composite Video	FRE 403 – cumulative and unduly prejudicial. FRE 801, 802. FRE 1002 as to the transcript. Fed. R. Civ. P Rule 37(c)(1); <i>Algaier v. Bank of America</i> , N.A., 2015 WL 5944177 at *6-7 (excluding five exhibits submitted in support of the plaintiff's opposition to summary judgment because the exhibits were not produced in discovery in violation of Rule 37, and there was no substantial justification for doing so); <i>Chisolm v. 7-Eleven, Inc.</i> , 383 F.Supp.3d 1032, 1044-45 (S.D. Cal. 2019) (excluding email submitted by the plaintiff in support of opposition to motion for summary judgment since the email was not produced in discovery, and failure to produce was not justified).
18 19 20 21 22 23 24 25 26 27	2 Exh. 2, Audio Interview of Anaheim Police Investigator Ricky Reynoso ("Reynoso Interview") Exh. 19, Transcript of Interview of Anaheim Police Investigator Ricky Reynoso ("Reynoso Interview Transcript").	FRE 403 – cumulative and unduly prejudicial. FRE 701. FRE 801, 802. FRE 1002 as to the transcript. Fed. R. Civ. P Rule 37(c)(1) <i>Algaier v. Bank of America</i> , N.A., 2015 WL 5944177 at *6-7 (excluding five exhibits submitted in support of the plaintiff's opposition to summary

1	2	3	judgment because the exhibits were 4 not produced in discovery in violation 5 of Rule 37, and there was no 6 substantial justification for doing so); 7 <i>Chisolm v. 7-Eleven, Inc.</i> , 383 8 F.Supp.3d 1032, 1044-45 (S.D. Cal. 9 2019) (excluding email submitted by 10 the plaintiff in support of opposition 11 to motion for summary judgment 12 since the email was not produced in 13 discovery, and failure to produce was 14 not justified).. 15
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1	4	Exh. 15, Audio Interview of Defendant Sergeant Paul Delgado (“Delgado Interview”)	FRE 403 – cumulative and unduly prejudicial.
2		Exh. 21, Transcript of Audio Interview of Defendant Sergeant Paul Delgado (“Delgado Interview Transcript”)	FRE 701. FRE 801, 802. FRE 1002 as to the transcript.
3			Fed. R. Civ. P Rule 37(c)(1), <i>Algaier v. Bank of America</i> , N.A., 2015 WL 5944177 at *6-7 (excluding five exhibits submitted in support of the plaintiff’s opposition to summary judgment because the exhibits were not produced in discovery in violation of Rule 37, and there was no substantial justification for doing so); <i>Chisolm v. 7-Eleven, Inc.</i> , 383 F.Supp.3d 1032, 1044-45 (S.D. Cal. 2019) (excluding email submitted by the plaintiff in support of opposition to motion for summary judgment since the email was not produced in discovery, and failure to produce was not justified).
4	5	Exh. 5, Audio Interview of Defendant Sergeant Kenneth Weber (“Weber Interview”)	FRE 403 – cumulative and unduly prejudicial.
5		Exh. 22, Transcript of Audio Interview of Defendant Sergeant Kenneth Weber (“Weber Interview Transcript”)	FRE 701. FRE 801, 802. FRE 1002 as to the transcript.
6			Fed. R. Civ. P Rule 37(c)(1), <i>Algaier v. Bank of America</i> , N.A., 2015 WL 5944177 at *6-7 (excluding five exhibits submitted in support of the plaintiff’s opposition to summary
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1		judgment because the exhibits were not produced in discovery in violation of Rule 37, and there was no substantial justification for doing so); <i>Chisom v. 7-Eleven, Inc.</i> , 383 F.Supp.3d 1032, 1044-45 (S.D. Cal. 2019) (excluding email submitted by the plaintiff in support of opposition to motion for summary judgment since the email was not produced in discovery, and failure to produce was not justified).
6	Exh. 14, Audio Interview of Defendant Officer Catalin Panov ("Panov Interview") Transcript of Audio Interview of Defendant Officer Catalin Panov ("Panov Interview Transcript")	FRE 403 – cumulative and unduly prejudicial. FRE 701. FRE 801, 802. FRE 1002 as to the transcript. Fed. R. Civ. P Rule 37(c)(1), <i>Algaier v. Bank of America</i> , N.A., 2015 WL 5944177 at *6-7 (excluding five exhibits submitted in support of the plaintiff's opposition to summary judgment because the exhibits were not produced in discovery in violation of Rule 37, and there was no substantial justification for doing so); <i>Chisom v. 7-Eleven, Inc.</i> , 383 F.Supp.3d 1032, 1044-45 (S.D. Cal. 2019) (excluding email submitted by the plaintiff in support of opposition to motion for summary judgment since the email was not produced in discovery, and failure to produce was not justified).
7	Exh. 6, Audio Interview of Santa Ana Police Department Officer	FRE 403 – cumulative and unduly prejudicial.

1	Sergio Martinez (“Martinez Interview”)	FRE 701.
2	Exh. 24, Transcript of Interview of Santa Ana Police Department Officer Sergio Martinez (“Martinez Interview Transcript”)	FRE 801, 802. FRE 1002 as to the transcript.
3		Fed. R. Civ. P Rule 37(c)(1), <i>Algaier v. Bank of America</i> , N.A., 2015 WL 5944177 at *6-7 (excluding five exhibits submitted in support of the plaintiff’s opposition to summary judgment because the exhibits were not produced in discovery in violation of Rule 37, and there was no substantial justification for doing so); <i>Chisolm v. 7-Eleven, Inc.</i> , 383 F.Supp.3d 1032, 1044-45 (S.D. Cal. 2019) (excluding email submitted by the plaintiff in support of opposition to motion for summary judgment since the email was not produced in discovery, and failure to produce was not justified).
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8	Exh. 7, Audio Interview of Santa Ana Police Department Corporal Luis Galeana (“Galeana Interview”)	FRE 403 – cumulative and unduly prejudicial.
9		FRE 701.
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22	Exh. 25, Transcript of Interview of Santa Ana Police Department Corporal Luis Galeana (“Galeana Interview Transcript”)	FRE 801, 802. FRE 1002 as to the transcript.
23		Fed. R. Civ. P Rule 37(c)(1), <i>Algaier v. Bank of America</i> , N.A., 2015 WL 5944177 at *6-7 (excluding five exhibits submitted in support of the plaintiff’s opposition to summary judgment because the exhibits were not produced in discovery in violation
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1	Exh. 27, Transcript of Interview of Anaheim Police Officer Brandon Mullins (“Mullins Interview Transcript”)	FRE 801, 802. FRE 1002 as to the transcript. Fed. R. Civ. P Rule 37(c)(1), <i>Algaier v. Bank of America</i> , N.A., 2015 WL 5944177 at *6-7 (excluding five exhibits submitted in support of the plaintiff’s opposition to summary judgment because the exhibits were not produced in discovery in violation of Rule 37, and there was no substantial justification for doing so); <i>Chisolm v. 7-Eleven, Inc.</i> , 383 F.Supp.3d 1032, 1044-45 (S.D. Cal. 2019) (excluding email submitted by the plaintiff in support of opposition to motion for summary judgment since the email was not produced in discovery, and failure to produce was not justified).
11	Exh. 8, Audio Interview of Santa Ana Police Officer Nelson Menendez (“Menendez Interview”) Exh. 28, Transcript of Interview of Santa Ana Police Officer Nelson Menendez (“Officer Menendez Interview Transcript”)	FRE 403 – cumulative and unduly prejudicial. FRE 701. FRE 801, 802. FRE 1002 as to the transcript. Fed. R. Civ. P Rule 37(c)(1), <i>Algaier v. Bank of America</i> , N.A., 2015 WL 5944177 at *6-7 (excluding five exhibits submitted in support of the plaintiff’s opposition to summary judgment because the exhibits were not produced in discovery in violation of Rule 37, and there was no substantial justification for doing so);

1		<p><i>Chisolm v. 7-Eleven, Inc.</i>, 383 F.Supp.3d 1032, 1044-45 (S.D. Cal. 2019) (excluding email submitted by the plaintiff in support of opposition to motion for summary judgment since the email was not produced in discovery, and failure to produce was not justified).</p>
6	12	<p>Exh. 10, Audio Interview of Anaheim Police Officer James Lopez (“Officer Lopez Interview”)</p> <p>Exh. 29, Transcript of Interview of Anaheim Police Officer James Lopez (“Officer Lopez Interview Transcript”)</p> <p>FRE 403 – cumulative and unduly prejudicial.</p> <p>FRE 701.</p> <p>FRE 801, 802.</p> <p>FRE 1002 as to the transcript.</p> <p>Fed. R. Civ. P Rule 37(c)(1), <i>Algaeir v. Bank of America</i>, N.A., 2015 WL 5944177 at *6-7 (excluding five exhibits submitted in support of the plaintiff’s opposition to summary judgment because the exhibits were not produced in discovery in violation of Rule 37, and there was no substantial justification for doing so); <i>Chisolm v. 7-Eleven, Inc.</i>, 383 F.Supp.3d 1032, 1044-45 (S.D. Cal. 2019) (excluding email submitted by the plaintiff in support of opposition to motion for summary judgment since the email was not produced in discovery, and failure to produce was not justified).</p>

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1 Dated: July 22, 2024

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2 By: /s/ Lena Andrews

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